



**Homeland
Security**

July 25, 2013

SENT VIA EMAIL TO: 2826-05289742@requests.muckrock.com

Carlton Purvis

RE: **NPPD13F872**

Dear Mr. Purvis:

This acknowledges receipt of your July 16, 2013, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), for "the complete archive of TRIPwire Monthly Open Source IED Reports starting from July 2010 to the most recent reports at the time of this request. Please include all monthly reports for IED related events in the United States, all quarterly reports for incidents in North Caucasus, the Philippines, Northern Ireland and all IED trend reports". Your request was received in this office on July 16, 2013.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Per Section 5.5(a) of the DHS FOIA regulations, 6 C.F.R. Part 5, the Department processes FOIA requests according to their order of receipt. Although DHS' goal is to respond within 20 business days of receipt of your request, the FOIA does permit a 10-day extension of this time period. As your request seeks numerous documents that will necessitate a thorough and wide-ranging search, DHS will invoke a 10-day extension for your request, as allowed by Title 5 U.S.C. § 552(a)(6)(B). If you care to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner.

As it relates to your fee waiver request, I have reviewed your letter thoroughly and have determined that you have not presented a convincing argument that your association with MuckRock News is entitled to a blanket waiver of fees.

The DHS FOIA Regulations, 6 CFR § 5.11(k)(2), set forth six factors to examine in determining whether the applicable legal standard for a fee waiver has been met. We will consider these factors in our evaluation of your request for a fee waiver:

- (1) Whether the subject of the requested records concerns "the operations or activities of the government;"
- (2) Whether the disclosure is "likely to contribute" to an understanding of government operations or activities;
- (3) Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requestor or a narrow segment of interested persons;
- (4) Whether the contribution to public understanding of government operations or activities will be "significant;"

(5) Whether the requester has a commercial interest that would be furthered by the requested disclosure; and

(6) Whether the magnitude of any identified commercial interest to the requestor is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requestor.

As a requester, you bear the burden under the FOIA of showing that the fee waiver requirements have been met. Based on my review of your July 16, 2013, letter and for the reasons stated herein, I have determined that your fee waiver request is deficient. Since your request for a fee waiver has failed to satisfy each of the required factors, I am denying your fee waiver request.

The FOIA provides three levels of fees that may be assessed to process a FOIA request according to categories of FOIA requesters. *See* 5 U.S.C. § 552(a)(4)(A)(ii)(I),(II),(III) (2000).

Our current estimate to process this request is \$519.00. Since the total **estimated** fee exceeds \$250.00, you must make an advance payment of an amount up to the amount of the entire anticipated fee before we can begin to process your request. *See* 6 C.F.R. § 5.11(i). Please submit your check or money order in the amount of \$275.00, made payable to the **Treasury of the United States**, to this office within 30 days from the date of this letter. Please mail your payment to this office at the following address:


DHS/NPPD, FOIA OFFICE, 6TH FLOOR
MAILSTOP 0380
245 MURRAY LANE, SW
WASHINGTON, DC 20528-0380

In the alternative, you may narrow the scope of your request to reduce the universe of responsive records. If you wish to narrow the scope of your request, please send an amended request and indicate the processing fee amount you are willing to pay within 30 business days from the date of this letter. You may send your amended request to **NPPD.FOIA@HQ.DHS.GOV**.

If we do not receive an advance payment of \$275.00 or an amended request from you within thirty (30) business days from the date of this letter, we will consider this request withdrawn, and we will administratively close your request file.

If you need to contact our office again about this matter, please refer to FOIA case number **NPPD13F872**. This office can be reached at 703-235-2211.

Sincerely,


Sandy Ford Page
FOIA Officer